

REMARKS

Claims **1, 2, 4, 5, 8-13, 16, 23** and **26-28** are pending in this application.

Claims **1, 2, 4, 5, 8-13, 16, 23** and **26-28** stand rejected.

Claim **23** has been amended.

No Claims have been cancelled or added herein.

Rejection of Claims under 35 U.S.C. § 112

Claims 1, 9, and 23 stand rejected under 35 U.S.C. § 112, first paragraph, for “failing to comply with the written description requirement.” Specifically, on pages 2-3 the Office Action states that “claims 1, 9, and 23 recite ‘wherein the requesting of the re-generation is performed subsequent to the generating the requested display page, and the re-generation of the non-realtime information produces re-generated non-realtime information, and caching the re-generated non-realtime information as cached re-generated realtime information, wherein the cached re-generated realtime information is configured to be used when generating another instance of the requested display page in response to a subsequent request for the requested display page’ There is no mention in the original specification... If the examiner has overlooked the portion of the original specification that describes the feature of the present invention, then application [*sic*] should point it out.” Applicants respectfully traverse this rejection in light of the existence of the requested support in the original specification.

Applicants respectfully submit that the support for the amendments can be found in the originally filed specification, e.g., at paragraph [0027] and Fig. 7, among others. Applicants respectfully submit that it is clear from Fig. 7 and paragraph [0027], that the claimed non-realtime information is re-generated after the previous non-realtime information is used in generating the requested web page. This re-generated non-realtime information can then be used such that “when the display page is next created it can use more current non-realtime information.” See paragraph [0027] of the Specification. Fig. 7 clearly illustrates this technique, by using the “request to regenerate” in-between steps 705 and 708. In accordance with the method of Fig. 7, the request to regenerate is only executed after steps 704 and 705. Furthermore, steps 704, 705, and the request to regenerate are only executed if the non-realtime information is cached, as determined by step 703.

It is therefore abundantly clear that the above-referenced limitation of claim 1 is supported by the originally-filed specification. Furthermore, claims 9 and 23, which recite similar limitations, are also supported by the originally-filed specification, in the manner noted above. In view of this, Applicants respectfully request that the rejection of claims 1, 9, and 23 under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

Rejection of Claims under 35 U.S.C. § 103

Claims 1, 2, 4, 5, 8-13, 16, 23, and 26-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hind et al., U.S. Patent 7,346,843 (“Hind”) in view of Rajkumar et al., U.S. Patent 7,188,216 (“Rajkumar”), and further in view of Fliess et al., U.S. Patent 7,168,045 (“Fliess”). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Hind, Rajkumar, and Fliess, alone or in any rational combination, fail to teach or suggest all the elements of claim 1, including:

if a previously cached version of the non-realtime information is available,
 generating the requested display page, wherein
 the requested display page comprises
 the retrieved realtime information, and
 the previously cached non-realtime information,
requesting re-generation of the non-realtime information, wherein
 the requesting of the re-generation is performed subsequent to the
 generating the requested display page, and
the re-generation of the non-realtime information produces re-generated
 non-realtime information, and
caching the re-generated non-realtime information as cached re-generated
 realtime information, wherein
 the cached re-generated realtime information is configured to be
 used when generating another instance of the requested
 display page in response to a subsequent request for the
 requested display page;

Applicants respectfully submit that Hind does not teach or suggest at least these features of claim 1, among others. The Office Action, correctly, concedes that Hind does not teach or suggest the above limitations of claim 1. Instead, the Office Action cites Rajkumar as allegedly teaching such limitations. Applicants respectfully disagree.

As an initial matter, Applicants respectfully traverse the notion that Rajkumar can be properly considered as prior art against the present claims. Specifically, Rajkumar was filed on December 11, 2003. Applicants submit that claims 1, 2, 4, 5, 8-13, 16, 23, and 26-28 of the present application claim priority to a provisional patent application (the “Provisional Application”) filed on December 9, 2003 (as indicated, e.g., in the current application and the application data sheet). For example, the support for the above-cited elements of claim 1 can be found in the Provisional Application’s specification, e.g., at paragraph [0026] and Fig. 7, among others. Since the Provisional Application clearly supports claims 1, 2, 4, 5, 8-13, 16, 23, and 26-28, claim 1 has a priority date that pre-dates Rajkumar. Therefore Rajkumar cannot be used as prior art against claim 1.

Applicants acknowledge that Rajkumar itself claims priority to a provisional application (“provisional Rajkumar”) that was filed on December 13, 2002. Applicants have analyzed provisional Rajkumar, and cannot find any elements that teach or suggest at least the following elements of claim 1:

if a previously cached version of the non-realtime information is available,
generating the requested display page
...
requesting re-generation of the non-realtime information, wherein
the requesting of the re-generation is performed subsequent to the
generating the requested display page, and
the re-generation of the non-realtime information produces re-
generated non-realtime information, and
caching the re-generated non-realtime information as cached re-generated
realtime information

Applicants respectfully submit that, in order for a rejection to rely upon the filing date of a provisional application of cited art, the subject matter alleged in the rejection must be disclosed in the earlier-filed provisional application (in this case, provisional Rajkumar) in compliance with 35 U.S.C. 112, first paragraph, in order to give that subject matter the benefit of the earlier filing date. *See* M.P.E.P. § 2136.03. Applicants respectfully submit that provisional Rajkumar does not teach or suggest, if a previously cached version of the non-realtime information is available, requesting re-generation of the non-realtime information after generating the requested display page. As a result, Rajkumar cannot be used as prior art to claim 1. Therefore, Rajkumar cannot be combined with Hind to provide a combination that (were such a combination

appropriate) would teach or suggest at least these features of claim 1, at least because the references fail to so teach.

Turning now to Fliess, a modeling process is described that consists of translating business objects into features of graphic objects. *Fliess*, 2:24-30. However, Fliess is not concerned with any concept even remotely comparable to, if a previously cached version of the non-realtime information is available, requesting re-generation of the non-realtime information after generating the requested display page. The Office Action, correctly, also does not cite Fliess for these limitations of claim 1. Thus, alone or in any rational combination with Hind (since Rajkumar cannot be used as a prior art reference, as argued above), the addition of Fliess does not remedy these deficiencies, and would result in a combination of references that (were such a combination even appropriate) would still fail to teach or suggest at least these features of claim 1.

In summary, since the combination of Hind, Rajkumar, and Fliess does not teach or suggest each and every feature of claim 1, the combination of Hind, Rajkumar, and Fliess cannot render claim 1 obvious. Furthermore, independent claims 9 and 23 are patentable over Hind, Rajkumar, and Fliess for similar reasons to independent claim 1, and further in view of their own features. Still further, claims 2, 4, 5, 8, and 26 which depend from independent claim 1, claims 10-13, 16, and 27, which depend from independent claim 9, and claim 28, which depends from claim 23, are patentable over Hind, Rajkumar, and Fliess for at least the reasons provided for their respective base independent claims, and further in view of their own features. Accordingly, Applicants respectfully request that the rejection of claims 1, 2, 4, 5, 8-13, 16, 23, and 26-28 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

/ Samuel G. Campbell III /

Samuel G. Campbell III
Attorney for Applicants
Reg. No. 42,381
Telephone: (512) 439-5084
Facsimile: (512) 439-5099